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Attorney for Defendant

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
THE HONORABLE Mary K. Dimke

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rex Michael Kern, Jr.,

Defendant.

No. 4:22-CR-6038-MKD

**Motion to Continue Pretrial, Trial  
and to Extend Deadline for Filing  
Pretrial Motions**

**Without Oral Argument  
November 17, 2022, 6:30 p.m.**

Rex Michael Kern, Jr., by and through his attorney, Jennifer Barnes, for the Federal Defenders of Eastern Washington and Idaho, hereby moves this Court for an order continuing the pretrial and trial currently scheduled in this matter and extending the deadlines for filing pretrial motions.

The United States indicted Mr. Kern on August 2, 2022. He first appeared for an initial appearance on October 5, 2022. The Court appointed the Federal

Motion to Continue and Extend Deadline: 1

1 Defenders Office to represent her. The undersigned entered a Notice of Appearance  
2 on October 7, 2022. The Court has currently scheduled a pretrial conference for  
3 November 17, 2022, and a trial date of December 12, 2022, both in Richland.  
4

5 Mr. Kern is requesting this continuance to give him and defense counsel  
6 adequate time to review discovery, conduct investigation and interview witnesses,  
7 discuss the sentencing guidelines and other potential sentencing considerations, and to  
8 prepare for trial if that is what Mr. Kern decides to do in his case.  
9

10 Given the foregoing circumstances, defense counsel believes a continuance of  
11 the trial is necessary. This motion is brought in good faith and not for any purpose of  
12 unnecessary delay. Said continuance is necessary to allow a reasonable amount of  
13 time to effectively prepare the case for trial pursuant to 18 U.S.C §3161(h)(7)(A) and  
14 18 U.S.C. §3161(h)(7)(B)(i)(iv). Mr. Kern agrees with the necessity for this  
15 continuance, and acknowledges that any continuance would constitute excludable  
16 time under the Speedy Trial Act. Mr. Kern has signed a speedy trial waiver and  
17 statement of reasons in support of her request for a continuance, which will be filed  
18 with the Court.  
19  
20

21 Undersigned counsel has inquired of the Court as to available dates for the  
22 Court's schedule in light of the requested adjournment, and has discussed proposed  
23 new dates and deadlines with counsel for the United States. Mr. Kern is respectfully  
24 requesting a new trial date of February 6, 2023, in Richland. Mr. Kern further  
25

Motion to Continue and Extend Deadline: 2

1 requests that the pretrial conference be rescheduled to January 19, 2023, also in  
2 Richland. Defense counsel contacted the government regarding this motion and  
3 AUSA Joseph H. Harrington has indicated he has no objection to the motion to  
4 continue the pretrial and trial, nor to the proposed dates.  
5

6 Mr. Kern is submitting a proposed amended case management order with new  
7 filing deadlines based on the new trial and pretrial conference dates. Mr. Kern has no  
8 objection to the Court issuing an amended case management order with different  
9 deadlines as deemed appropriate by the Court if the proposed order is not acceptable.  
10

11  
12 Dated: October 31, 2022.

13  
14 By s/ Jennifer R. Barnes  
15 Jennifer R. Barnes, 23664  
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23  
24  
25

Motion to Continue and Extend Deadline: 3

**Certificate of Service**

I hereby certify that on October 31, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Joseph H. Harrington, Assistant United States Attorney.

s/ Jennifer R. Barnes  
Jennifer R. Barnes